IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1532 (S/S) of 2004

Sri Hans Kumar,
aged about 58 years,
son of late Sri Ram Kishan,
R/o Birla Road Haridwar,
District 0 Haridwar.

.....Petitioner

Versus

1. State of Uttaranchal, through Secretary Food and Civil Supplies, Dehradun.
2. Commissioner, Food and Civil Supplies, Dehradun.
3. District Supply Officer, Haridwar.

...Opposite Parties.

Hon'ble M.M. Ghildiyal, J

Heard Sri Suresh Mishra, learned counsel for the petitioner and learned Standing Counsel for the respondents.

Learned counsel for the parties are agreed that the writ petition may be decided at its admission stage itself.

Petitioner, who is working as Supply Inspector in Food and Civil Supplies Department at Haridwar, was transferred from Haridwar to District – Tehri Garhwal by order dated 28.6.2004 passed by respondent no. 2.

Prior to transfer order passed by respondent no. 2, petitioner was admitted in Delhi Heart and Lung

Institute, New Delhi as he has got heart attack on 5.6.2004. Prior to this heart attack, earlier in the year 1999, he got heart attack and had gone for treatment in Sir Ganga Ram Hospital, New Delhi where angioplasty was done. Since June 2004 the petitioner is on medical leave and he is under treatment it is advised by the doctors at New Delhi that he will have to go through bye-pass surgery.

Petitioner's wife has made representation dated 5.7.2004 before the Principal Secretary, Food and Civil Supply, Dehradun stating therein all these difficulties.

In view of the facts and circumstances stated above, I think it just and proper to direct the respondent no. 2 to decide the representation dated 5.7.2004 of petitioner's wife within a period of three weeks from today while deciding the representation the respondent no. 2 shall take into account all the difficulties which the petitioner is facing because of his ailment as well as his date of retirement. Till the decision in the aforesaid representation is taken the petitioner shall not be compelled to join at Tehri Garhwal.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

December 21, 2004
S.K.Sharma